Notice of Allowability	Application No.	Applicant(s)	
	10/699,049	MARCHAND ET AL.	
	Examiner	Art Unit	
	Sajous Wesner	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the application filed on 10/30/2003*.

2. ☒ The allowed claim(s) is/are *1-21*.

3. ☒ The drawings filed on *30 October 2003* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2-3
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

This office action is in response to SN 10/699,049 filed on 10/30/2003. Claims 1-21 are presented for examination.

Allowable Subject Matter

1. Claims 1-21, after further consideration and search, are deemed to contain allowable subject matters, and are allowed over the prior art.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The present invention is directed to a color selection system used for selecting colors for coating compositions and preparing pigmented coating compositions used coating substrates; displaying on a computer screens color reference chips of paints and color formulas used for producing the coating compositions, such as automotive refinish paints, architectural paints or the like.

Analysis of analogous arts

Rice et al. (US 2003/0174143) discloses a paint color matching and coordinate system comprising: receiving a an input reference color; selecting a reference paint color from a database of architectural paint colors by comparing the input reference color for likeness with the paint colors from the database; and displaying color samples of the architectural paint colors. See paragraphs 13, 15-16, 18 and 65-66. It is understood that the displaying of the reference paint color samples in the computer may prompt the user to select a desired color from the displayed samples. See paragraph

68 in conjunction with paragraphs 74-85. However, Rice et al. fails to teach converting color characteristics into color reference chips; accessing one or more color formulas from a second database that match a desired color reference chip; and displaying and selecting a desired color formula from said color formulas. In addition, Rice fails to teach sending to a client computer one or more color reference chips converted by a host computer from color characteristics that match the identification criteria of said color; receiving from said client computer chip identification data on the desired color reference chip selected by the client computer from said color reference chips; and sending to the client computer one or more color formulas that match said desired color reference chip to allow selection of a desired color formula from said color formulas.

Numata et al. (US 6,539,325) discloses a color matching apparatus for automotive repair paints by means of a color data file and a database reference systems capable of referring to a remote database server for retrieval of at least one paint component base data and automotive top coat formulation base data and use them in a color matching computation. See col. 4, lines 30-67. After color matching computation, the color corresponding to the formulation and the target color can be indicated in parallel in real time on a color display for comparison, thus enabling to visually assess the degree of approach to the target color and, hence attain an adequate paint formulation with increase efficiency. See col. 13, lines 41-61. However, it is noted that although Numata shows substantial features of the claimed invention, Numata fails to teach the underlined claimed features in the manner recited in the claims.

Friel et al. (US 2005/0038557) discloses a distributed paint manufacturing system in which a computer receives paint selection input data that identifies a base paint to be produced; then the computer query a database table to determine an appropriate tint level for the selected color, the database table specifies prepaint formulations used to produce 96 different base paint formulations that indicate relative quantities of each pre-paint in a particular base paint. See paragraphs 24-25. Friels also discloses a client computer 131 that is in communication with host computer 140 to send paint products purchase order from computer 131. see paragraphs 30-34. however, Friels fails to teach converting color characteristics into color reference chips; displaying the color reference chips on a screen; selecting a desired color reference chip from the color reference chips; accessing one or more color formulas from a second database that match a desired color reference chip; and displaying and selecting a desired color formula from said color formulas. In addition, Rice fails to teach sending to a client computer one or more color reference chips converted by a host computer from color characteristics that match the identification criteria of said color; receiving from said client computer chip identification data on the desired color reference chip selected by the client computer from said color reference chips; and sending to the client computer one or more color formulas that match said desired color reference chip to allow selection of a desired color formula from said color formulas.

Hirayama et al. (US 2003/0067475) discloses a method for color matching of bright paint by entering characteristics data of a primary color in a computer; measuring

and obtaining data of a reference color; compare the reference color with micro-brilliant feeling data corresponding to paint blendings previously entered in the computer, indexing and matching degrees between colors brilliant feelings of the entered paint blendings, and selecting a prospective paint blending. See paragraphs 10-20 and 56-65. However, Hirayama et al., like Rice et al., Numata and Friels, fails to teach the aforementioned underlined features of the invention. As a result, claims 1-21 of the instant application are allowed over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any response to this action should be mailed to:

Box

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 308-5359 for informal or draft communications, please label "PROPOSED" or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on Mondays thru Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

Wesner Sajous -WS-

February 18, 2005

Kee M. Tung
Primary Examiner